

Development Review Committee

Staff Report

August 3, 2016



Case No:	16DEVPLAN1114
Project Name:	The Madison by Fenley
Location:	4805 Olympia Park Plaza
Owner(s):	Springdale Ventures, LLC
Applicant(s):	Springdale Ventures, LLC
Representative(s):	Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	7.4 acres
Existing Zoning District:	OR-3 and OTF
Existing Form District:	RC, Regional Center
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Detailed District Development Plan** for proposed multi-family development.
- **Landscape Buffer Area Waiver**

CASE SUMMARY

The applicant proposes to construct a 5-story, 360,294 SF multi-family development abutting the Gene Snyder Expressway and Northwest of Brownsboro Road, East of Springdale Road, and approximately located to the rear of The Summit Shopping Center. The development site will be divided into three multi-family structures, a leasing and amenities building, and a central open-space area with pool. Each residential building will contain one floor of parking and garage parking will also be provided. Surface parking will be provided to the rear of the residential buildings. An internal network of walkways will connect parking areas, residential buildings, and amenities spaces.

A landscape buffer area waiver is also being requested to reduce the required 50' Gene Snyder Expressway buffer to 30 feet. All required plantings will be provided.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	OR-3/OTF	RC
Proposed	Multi-family	OR-3/OTF	RC
<i>Surrounding Properties</i>			
North	Gene Snyder	ROW	ROW
South	Office Condos	OR-3	RC
East	Vacant	OR-3	RC
West	Hotel	OTF	RC

PREVIOUS CASES ON SITE

9-68-99

Change-in-zoning from to R-4 and R-7 to OR-3, OTF and C-2 (approved 12/2/99)

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND AMENDMENT TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposed development is in a location of mixed office, residential, hotel, and commercial facilities. There does not appear to be any natural resources to be conserved on-site. Scenic views from the Gene Snyder Expressway will be preserved by meeting the planting requirements of the Chapter of the Louisville Metro Land Development Code.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community are provided through an internal network of walks and drives connecting parking areas, residential buildings, and amenities spaces. A private easement will be granted and constructed to serve the development site and existing and future adjacent uses.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The development site provides landscape and common areas for the enjoyment of residents and their guests while also exceeding the amount of required open space and meeting the planting requirements of Chapter 10 of the Louisville Metro land Development Code .

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site designs (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area as the development is in a location of mixed residential, commercial and office uses abutting The architectural style of the proposed building compliments surrounding developments in both scale and design.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code (LDC) as Guideline 3, Policies 1, 2, 3, 7, & 10

encourage compatibility of all new development within the context of the surrounding area and a variety of housing options appropriate for the development area and the community. These policies also encourage compatibility between residential development and the adverse impacts from noise or transit corridors. The proposed development provides four types of housing ranging from studio apartments to three bedroom units in close proximity to commercial activities and services while being designed to complement and benefit the style of surrounding facilities. Noise from the Gene Snyder expressway will be mitigated using building materials designed to insulate the residential units from the adverse impact of this major transit corridor.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the planting and screening requirements of chapter 10 of the Land Development Code will be met.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The proposed reduction in the landscape buffer area provides the necessary space for parking facilities, drive lanes, and residential units while also considering the scale and design of surrounding uses. All required plantings and screening will be provided to mitigate visual intrusions of the structures upon the Gene Snyder Expressway. Noise from the expressway will be mitigated using an appropriate selection of building materials that will also not be a detriment to passers-by on the expressway.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site has been designed to accommodate residential uses with their associated parking infrastructure in a compatible manner to surrounding uses while providing the required plantings that would be required if the buffer remained at 50 feet.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the multi-family development has been designed specifically to fit this site within the scale and design of surrounding uses and the desires of the applicant.

TECHNICAL REVIEW

Land Development Code, section 5.7.1.E requires a 250' noise buffer from expressways to residential uses; unless it can be demonstrated through a noise study provided by the applicant that noise levels can be reduced by vegetation or building design below 65 dBA based on future traffic demand. Such a study has been provided by the applicant in coordination with QK-4 engineering and the projects architect at Cooper Carry, Inc that indicates the reduction of noise levels below 65 dBA within this 250' buffer.

STAFF CONCLUSIONS

The Detailed District Development Plan and Landscape Waiver appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a Detailed District Development Plan and Waiver.

Actions

- **APPROVE** or **DENY** the Detailed District Development Plan and Waiver.

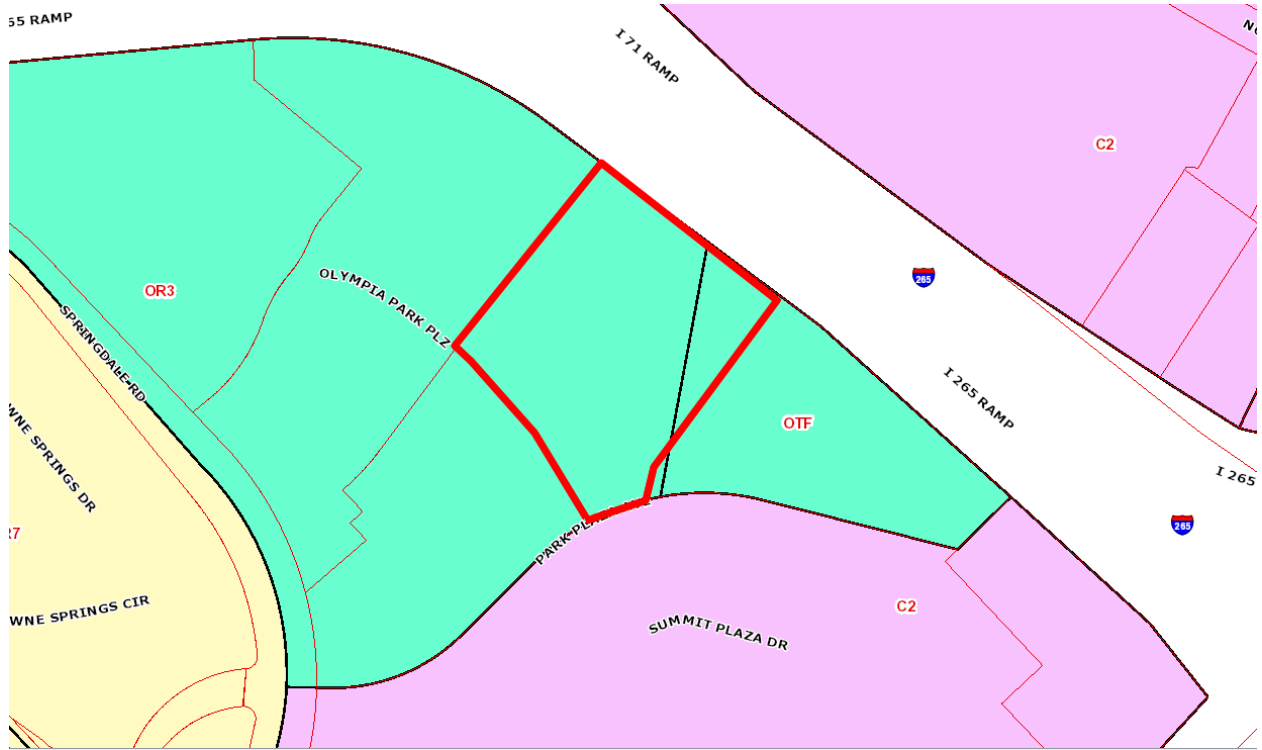
NOTIFICATION

Date	Purpose of Notice	Recipients
7/22/16	DRC	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 16

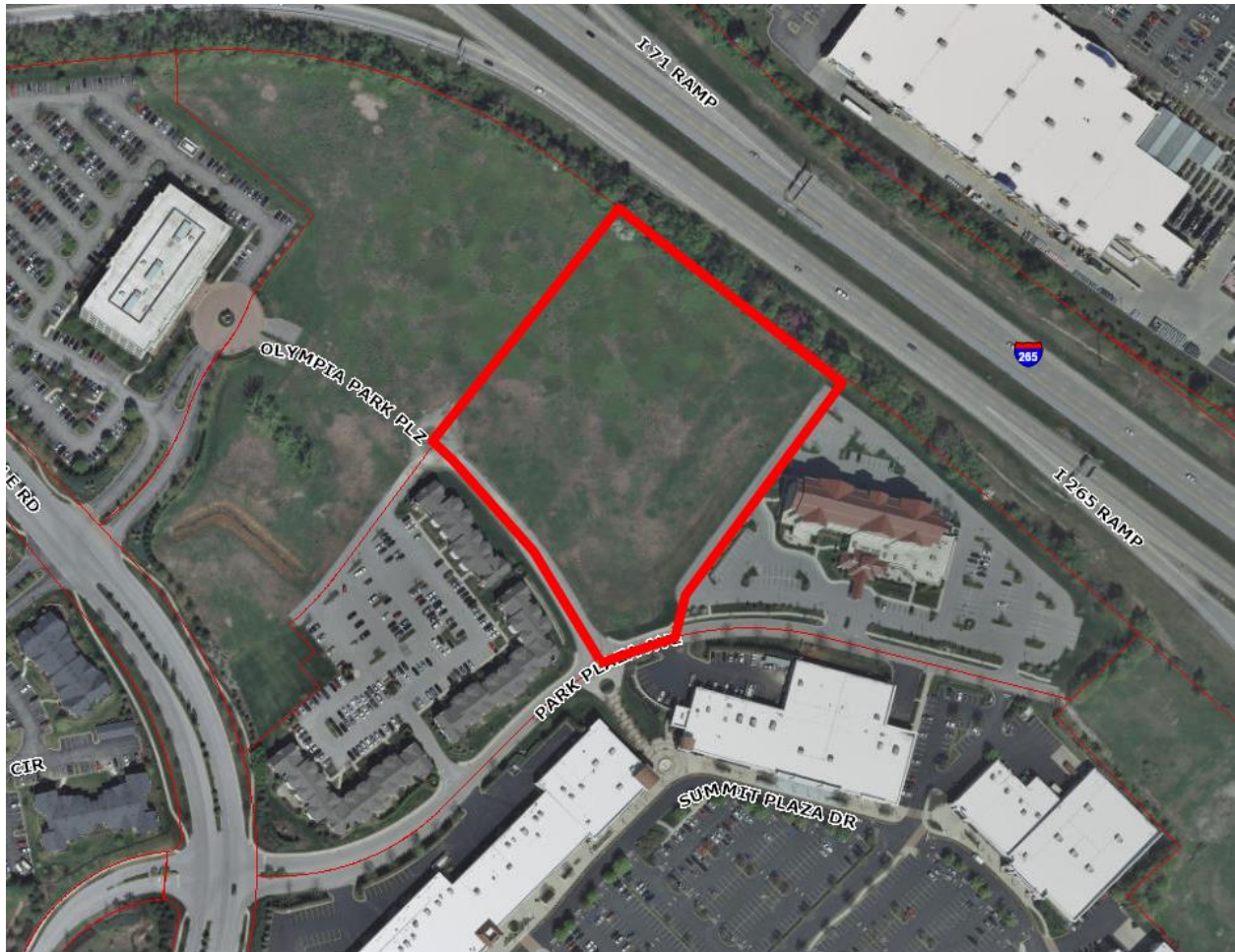
ATTACHMENTS

1. Zoning and Form District Map
2. Aerial Photograph
3. Proposed Binding Elements

1. **Zoning and Form District Map**



2. Aerial Photograph



3. Proposed Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 288,967 square feet of gross floor area
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A minor plat shall be recorded creating the lots as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.